

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANDRE JACKSON,

Petitioner,

v.

Case Number: 08-CV-13571

Honorable Avern Cohn

BLAINE C. LAFLER,

Respondent.

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ORDER COMPELLING PRODUCTION OF STATE COURT RECORD

On August 19, 2008, Petitioner filed a Petition for Writ of Habeas Corpus, under 28 U.S.C. § 2254. (Dkt. # 1.) On September 4, 2008, a magistrate judge ordered Respondent to file an answer and Rule 5 materials by February 24, 2009. (Dkt. # 6.) On February 4, 2009, Respondent filed his answer, but failed to file the necessary Rule 5 materials. (Dkt. # 9.) Those materials are necessary for resolving Petitioner's claims.

The habeas-corpus rules require the respondents to attach the relevant portions of the record. See Griffin v. Rogers, 308 F.3d 647, 653 (6th Cir. 2002); Rules Governing § 2254 Cases, Rule 5, 28 U.S.C. foll. § 2254.

Accordingly, Respondent shall file the necessary Rule 5 materials in this case within **twenty one (21) days** of the date of this order or show cause why he is unable to comply with the order. If Respondent fails to submit the Rule 5 materials as directed,

then any doubts as to the record shall be resolved in Petitioner's favor. See Horton v. Jones, 2006 WL 2161166 (E.D. Mich. July 31, 2006).

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: April 7, 2009

I hereby certify that a copy of the foregoing document was mailed to Andre Jackson, 381114, Carson City Correctional Facility, 10522 Boyer Road, Carson City, MI 48811 and the attorneys of record on this date, April 7, 2009, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160